

PATENT
4450-0238P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Steven W. CORNELIUS Conf.: 8961
Appl. No.: 09/916,867 Group: 2633
Filed: July 27, 2001 Examiner: NEGASH, Kinfe
For: AN OPTICAL SIGNAL RECEIVER AND METHOD
WITH DECISION THRESHOLD ADJUSTMENT BASED
ON A TOTAL PERCENTAGE ERROR INDICATOR

TERMINAL DISCLAIMER TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 19, 2004

Sir:

Attached hereto is an executed Terminal Disclaimer in connection with the above-identified application.

The appropriate fee of \$110.00 (large entity) is also attached hereto.

Please charge any fees or credit any overpayment pursuant to 37 C.F.R. § 1.20 to Deposit Account No. 02-2448.

Respectfully submitted,

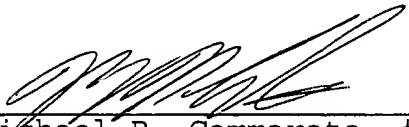
BIRCH, STEWART, KOLASCH & BIRCH, LLP

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By


Michael R. Cammarata, #39,491

MRC/kpc

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Falls Church, VA 22040-0747
(703) 205-8000

Attachments

IN THE U.S. PATENT AND TRADEMARK OFFICE

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Sir:

CIENA Corporation, (hereinafter "the Assignee")

- ☐ residing at ,
☒ a corporation of Delaware having a principal place of
business at 1201 Winterson Road, Linthicum, MD 21090,
☐ a university having an address of ,

represents that it is the true owner of the entire interest of
U.S. patent Application No. 09/916,867, filed on July 27,
2001, for "AN OPTICAL SIGNAL RECEIVER AND METHOD WITH DECISION
THRESHOLD ADJUSTMENT BASED ON A TOTAL PERCENTAGE ERROR INDICATOR"
(hereinafter "above-identified application") by virtue of and as
evidenced by an Assignment recorded at the United States Patent
and Trademark Office at Reel 012045, Frame(s) 0384.

The Assignee hereby disclaims the terminal part of any
patent granted on the above-identified application which would
extend beyond the expiration date of any patent which issues from

the co-pending Application No. 09/916,367, (hereinafter "co-pending application") and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent which issues from the co-pending application, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent which issues from the co-pending application in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

This Terminal Disclaimer is submitted on behalf of the Assignee by the undersigned, an attorney of record in the above-identified application.

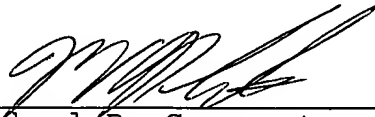
Please charge any fees or credit any overpayment pursuant to
37 C.F.R. § 1.20 to Deposit Account No. 02-2448.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

Date: August 18, 2004

By


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(Rev. 02/13/2004)